

Department of Social Services Division of Licensing Programs STANDARD OPERATING PROCEDURE	TITLE: CONDUCTING AN INSPECTION	PROCEDURE NUMBER SOP-301
		EFFECTIVE DATE: September 29, 2005
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301-1.0 PURPOSE

To establish operating procedures for licensing representatives as they conduct on-site inspections of activities, facilities, and services of providers of any program subject to regulation by the Division of Licensing Programs (DOLP).

301-2.0 SCOPE

This standard operating procedure applies to all licensing representatives as they conduct on-site inspections of licensed facilities/programs, as well as those that have applied and are being considered for licensure.

301-3.0 DEFINITIONS

Child day center license: A 2-year license issued to child day centers that substantially meet or exceed applicable regulations and statutes.

Children's residential facility license: A license issued on an annual or triennial basis to children's residential facilities that substantially meet or exceed the requirements of the interdepartmental standards and other applicable regulations and statutes.

Conditional license: A license which may be issued for up to 6 months to a new facility in order to permit the applicant to demonstrate compliance with specified standards.

Corrective action plan: A written proposal, composed by a licensee in response to a corrective action notice from DOLP staff, in which the licensee identifies systemic roots of noncompliance with standards or statutes and develops a strategy for bringing a facility/program into compliance within an established period of time.

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DOLPHIN (Division Of Licensing Programs Help and Information Network):
The Division's data system that manages information about applicants and licensed providers and serves as a tool for the work of licensing staff.

Exceeds minimum standards: When activities and services provided by a licensee to the population(s) served go beyond the minimum requirements for a particular program as established in code & applicable regulations.

Licensing representative: This usually refers to the staff delegated to provide ongoing regulatory oversight for a facility by the appropriate licensing office or unit. With proper designation by the licensing administrator or division management, however, staffs conducting such regulatory activities may be: staffs who perform similar functions for other facilities or licensing offices; a member of the division's central staff; or, a non-VDSS employee approved by the commissioner or division director.

Licensing study: An on-site inspection conducted by a licensing representative, generally following the receipt of an initial application, during which a facility/program is evaluated on all applicable standards for the purpose of facilitating decisions about licensure.

Monitoring inspection: Any on-site inspection by a licensing representative to a facility/program while a license is in effect to assess a licensee's compliance performance by determining compliance with a sample of standards.

Provisional license: A license which may be issued for up to 6 months upon expiration of a regular license when the licensee is temporarily unable to substantially comply with the requirements of the standards, but is given the opportunity to improve operations through a well-developed corrective action plan.

Renewal study: An evaluation of a licensee conducted by a licensing representative at the expiration or over the course of a license that is used to determine the appropriateness of continued licensure.

Substantial compliance: When compliance clearly and obviously exists with most of the standards as a whole, while there may be noncompliance by the licensee with one or more standards that represent minimal risk.

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Systemic deficiency: A violation(s) that demonstrates defects in the overall operation of a facility/program or one of its components.

Violation notice: A form generated by DOLPHIN following an on-site inspection when an applicant/licensee is found to be out of compliance with one or more standards or statutes. The form specifies the type of inspection/study, the code section for the violated standard(s) or statute(s), how the standard(s) or statute(s) was violated, and a description of action to be taken by the applicant/licensee to correct the violation and to prevent recurrence of the same or similar violations.

301-4.0 PROCEDURES

Licensing representatives shall conduct inspections for the purpose of making informed determinations about licensure and evaluating the progress of licensees toward compliance with applicable standards. Licensing representatives shall meet established criteria for visit frequency, assess levels of risk for care provided, and document in a complete and timely manner the information gathered during inspections.

301-4.1 General Guidelines for Inspections to Facilities/Programs:

1. The licensing representative shall complete for each on-site inspection of a facility/program subject to licensure:
 - a. Observations of the activities, services, physical plant, equipment, grounds, sanitation, and interaction between staff and persons in care;
 - b. A review of records (see SOP-302: Record Sampling);
 - c. An analysis of the implementation of policies and procedures;
 - d. An inspection summary (see SOP-304: Violation Notices and Inspection Summaries); and
 - e. An exit consultation with the applicant/licensee to discuss the results of the inspection.
2. The licensing representative shall complete as needed for each inspection:

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- a. Interviews with the applicant/licensee, staff, and recipients of care (and their families when available);
 - Interviews should be conducted in a manner that allows the greatest degree of privacy and confidentiality to interviewee.
 - Allegations of abuse or neglect resulting from an interview must be reported to Adult Protective Services or Child Protective Services.
 - Date, time, name and identity of interviewee, persons present during interview, and statements made during the interview should be documented in the licensing record.

NOTE: See SOP-302 (Record Sampling and Interviewing Requirements) for program specific interviewing requirements and SOP-401 (Complaints) for information about conducting interviews during complaint investigations.

- b. Calculations of space;
 - c. Observation of staffing ratios and supervision;
 - d. A thorough discussion at the exit consultation of any of any violations, expectations, and unresolved issues; and
 - e. A violation notice (see SOP-304).
3. The licensing representative shall document the results of the on-site inspection in DOLPHIN as soon as possible after the inspection by:
 - a. Rating the performance of the applicant/licensee on each standard – violation, meets, exceeds, not determined, or not applicable;

NOTE: Justification must be noted in the comment screen each time a licensee is deemed to have exceeded a given standard.

- b. Determining the risk level for each violation if the standard is subject to the risk assessment matrix (see SOP-303: Risk Assessment);

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- c. Noting whether the violation is complaint-related, a repeat violation from an previous inspection, or indicative of a systemic deficiency;
- d. Writing an inspection summary (see SOP-304) outlining the standards reviewed, technical assistance given to the licensee, and any comments/discussion; and
- e. Completing a violation notice (see SOP-304) reflecting any non-compliance with applicable standards.

301-4.2 Initial Studies:

- 1. The licensing representative shall conduct an on-site licensing study and shall use the findings to make a/an:
 - a. Recommendation to approve or deny an application for licensure (see SOP-201: Licensing Process) and
 - b. Assignment of an appropriate licensing category (see SOP-202: Licensing Categories).
- 2. The licensing representative shall assess all standards that can be evaluated at the time of the initial study using procedures identified in 4.1.3, with remaining items marked “ND” (not determined) in DOLPHIN for subsequent assessment during the conditional period.

301-4.3 Monitoring & Mandated Inspections:

- 1. The licensing representative shall conduct periodic on-site inspections to monitor the licensee’s compliance with:
 - a. Standards violated in the previous inspection(s);
 - b. Standards that are mandated in DOLPHIN to be checked at each inspection; and
 - c. Standards identified by the licensing representative for review during a specific inspection.

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2. The licensing representative shall meet these *minimum* requirements for inspections under each licensing category (see descriptions in SOP-202):

a. Conditional

- 2 inspections within the six-month period
- First inspection must be within the first 2 months
- Last inspection, an unannounced full study, must follow the receipt of a renewal application

b. Provisional

- 1 unannounced inspection every other month

NOTE: The licensing administrator must accompany the licensing representative on at least 1 occasion.

- Last inspection, an unannounced full study, must follow the receipt of a renewal application

c. Annual (including children's residential facility license)

- 2 unannounced inspections within the year
- 3 unannounced inspections within the year for adult programs

d. Biennial (also child day center license)

- 2 unannounced inspections each year for adult and children's programs
- 1 unannounced inspection each year for short-term child day centers (CCS)

e. Triennial (including children's residential facility license)

- 2 unannounced inspections each year
- 1 unannounced inspection each year for adult programs

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3. The licensing representative shall make a monitoring inspection at least 1 time per month for licensees who have been recommended for denial or revocation of license (see SOP-501).

NOTE: The licensing representative shall submit a request for an injunction if conditions have deteriorated significantly at the facility/program and there seems to be an imminent risk to the residents/participants.

4. The licensing representative shall follow the requirements established in SOP-302 for record sampling and interviewing as part of the monitoring process.

301-4.4

Renewal Studies:

1. The licensing representative shall use the findings from a renewal study as a key factor in decisions related to the renewal of a license and the appropriate designation of a licensing category.
2. The licensing representative shall have the option under the following specific conditions to use findings from multiple inspections as the basis for establishing licensing recommendations:
 - a. The licensing representative must have evaluated the licensee's performance on each standard at least once annually, while meeting the minimum requirement for frequency of inspections outlined in section 4.3.2 above.
 - b. The licensing representative must have conducted an inspection within two months prior to the point of making a recommendation, otherwise, he/she shall make an additional monitoring inspection.
 - c. The licensing representative must have notified the licensee of the areas of standards reviewed at each inspection.
 - d. The licensing representative must have documented in DOLPHIN all licensing standards evaluated at each inspection.

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301-5.0 AUTHORITY

Code of Virginia, § 63.2-1702, 1705-1708, 1736-1737; 22 VAC 40-80-160, 180; 22 VAC 42-10-25, 30

301-6.0 RESPONSIBILITY

The operations manager, licensing administrators, and licensing representatives shall be responsible for ensuring compliance with this standard operating procedure.

301-7.0 INTERPRETATION

The director of the Division of Licensing Programs shall be responsible for interpreting or granting any exceptions to this standard operating procedure.

301-8.0 SUPERSEDES: First Issue; replaces OIM-7 (version 6/00), IPM 91-3, *Performance-Based Licensing and Monitoring: A Guidance Document for Management of Licensing Caseloads*, and relevant areas of section I, chapters A and B of the DOLP Manual of Policy and Procedures.

301-9.0 EFFECTIVE DATE: September 29, 2005

301-10.0 REVIEW DATE: Two years from the effective date.

Reviewed and Approved by:

Carolynne H. Stevens, Director Date: September 23, 2005
Division of Licensing Programs